

USAWC STRATEGY RESEARCH PROJECT

**OPERATIONALIZING CONTINGENCY CONTRACTING:  
CONSIDERATIONS FOR EFFECTIVE AND EFFICIENT  
MANAGEMENT OF CONTINGENCY CONTRACTORS  
DURING DEPLOYMENTS**

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## ABSTRACT

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Contingency contractors are now a third component of the Army alongside the Reserve Component and the Active Force. The Department of Defense and the Army have seen a substantial increase in the use of contractors deployed with the force. The use of contractors for operational support is an acceptable risk for the combatant commander as the contractors are generally achieving their mission. Current force structure requires the use of contractors for contingency operations and there are many considerations to ensure the combatant commander is properly supported. From a contracting officer's perspective, the operational Army and the Acquisition Corps must undergo a culture change to improve the integration of contractors into the overall theater support plan to gain further effectiveness and efficiencies. The most pressing areas needing improvement are ensuring there is adequate planning for contractor use, and their requirements for deployment and redeployment. Additionally, the Army must help create and adhere to a combatant commander's theater management policies to make sure contractors deploying with the force are used both effectively and efficiently. New plans for better overall integration of Army Acquisition Corps Contingency Contracting Officers will greatly assist in meeting the needs of Combatant Commanders and their staffs to ensure the multitude of considerations are included in the planning process.



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## OPERATIONALIZING CONTINGENCY CONTRACTING: CONSIDERATIONS FOR EFFECTIVE AND EFFICIENT MANAGEMENT OF CONTINGENCY CONTRACTORS DURING DEPLOYMENTS)

The Army has a new component. Realistically, the Army is now composed of three components. Those components are the Active Force, the Reserve Component Force, and the civilian contingency contractors. Contractors can no longer be considered only as force multipliers. They must be regarded as a component if the Army continues to use them in their current capacity. Even if the Army plans to increase its end strength by thirty thousand, the contractors will remain since the majority of the new soldiers will not be assigned as logisticians. The Army Acquisition Corps (AAC) is changing rapidly and taking active steps to meet the Army's needs to ensure there are not operational failures due to ineffective use of contractors deploying with the force.

Today's military procedures need improvement in order to effectively use and manage contractor personnel deploying with the force during contingency operations for the Army. However, the culture in the operational and acquisition worlds must change and evolve. The overall increase in the use of contractors is an acceptable practice since from the end of the Cold War to now, the Army is the Component that took the largest share of personnel cuts among the armed services and has seen a substantial increase in operational missions.<sup>1</sup>

The Combatant Commander must effectively manage all defense contractors and their subcontractors at all tiers under DoD contracts in order to get the most effective and efficient performance. This includes considering specific deployment, re-deployment, and accountability requirements for U.S. citizens as well as for third country nationals and host nation personnel as they have many very different prerequisites. The commanders in the operational area have unique responsibilities in regards to all the contractors deployed with them. Some of the key areas that commanders must appropriately address are implementing adequate contractor planning, deployment and redeployment requirements, and most importantly, adhering to coherent theater management procedures.<sup>2</sup>

It is not a simple task to plan and support efforts to ensure specific contractor policies and requirements are clearly outlined in an Operational Plan (OPLAN). It must be realized that any contractor arrangement may impact an OPLAN within an entire geographic combatant command area of operations. It is important to have alternative plans for continuation of service if the contractor cannot or does not perform to prevent mission failure.

Current use of support contractors indicates they are a critical, functioning component of the Army's team. For their effective use, the commander must ensure there is integrated planning to accurately state the contractors' performance with clear terms and conditions, and

their support relationship to the military. In planning for the use of contingency contractor personnel, commanders must develop adequate plans for security, accountability, medical care, and transportation for the contractor. The increased use of contractors in operational environments can cause commanders problems as they and their staffs are not thoroughly trained in the planning and use of contractors deploying with the force.

To better support the Combatant Commanders and the Army, the AAC is reorganizing how and where it assigns and utilizes contingency contracting officers. Without adequate planning, contractors in a given area of operations may not receive required military support or direction to fulfill its mission thereby jeopardizing military operations. Commanders must recognize that using contractors for operational support may face many challenges they are unaccustomed to. Better use of AAC personnel is a method to help educate commanders and their staff to fully understand roles and responsibilities to minimize the risks or challenges when using contractors deploying with the force.

## **BACKGROUND**

### **HISTORICAL**

Prior to discussing some of the prime considerations for using contractors deployed with the force it is important to understand some of the history, background, and rationale for the Army to use contractors. The Army has used contractors since its inception and throughout its history. Contractors partially supplied rations to soldiers and livestock to the Continental Army and even provided medical services during the Civil War.

Today, the law allows contracting for almost the full spectrum of Combat Support or Combat Service Support functions. The few exceptions where contractors cannot be used are for armed combat, command and control of military or Department of Defense civilians, and for contracting.<sup>3</sup> The ratios of contractors to U.S. soldiers on the battlefield vary widely. At different times in history it has ranged from 1:50 to 1.5:1. Each contingency faces its own unique ratio depending on the circumstances. Currently, their use has not only reached high levels within the Army, but continues to assume a greater share of critical support roles.

### **CONTINGENCY CONTRACTING - REASONS FOR INCREASED USE**

The contingency environment also includes numerous contractors not employed by the Army or are hired by Non-Governmental Agencies, or other agencies of the U.S. Government. In the spring of 2003, there were at least eleven countries where contractors were deployed

supporting the military with a large array of support in the areas of theater support, external support, and systems support.

There are numerous reasons there have been an increase in the use of contractors. These reasons include desires to limit the number of soldiers deployed to a particular location due to a force cap, it may be a skill the military doesn't have, or they are of limited availability and the Army wants them to be available to deploy for other missions.<sup>4</sup> Looking forward it is hard to imagine any significant reduction in their use in the near future especially since there has been an increase in coalition warfare and each country may start to bring an increased number of contractors into the area of operations.

#### FORCE STRUCTURE CHANGES

The end of the "Cold War" and the civilian demand for a "peace dividend" impacted the ends, ways and means for the United States Army. This resulted in an overall decrease to the Armed Forces and the funding provided to them was reduced significantly. By 2003 the Department of Defense (DoD) lost one and a half million active, reserve, and civilian personnel from its 1989 peak.<sup>5</sup> In particular, the Army has undergone profound changes to both its size and its structure. The Army continues to shape its structure as it undergoes transformation to brigade sized deployable elements.

The current force structure requires the use of contractors for many types of operational support. The decision to reduce the support structure of the Army based on personnel cuts and the increased OPTEMPO created a 2<sup>nd</sup> order effect that may not have been fully thought out. It created an environment that allowed for and encouraged an increased reliance on contractors for a variety of purposes. One of those purposes was augmenting the operational support of the Army. Today, the Army can still operationally support itself, but only for limited size engagements and only for a limited time without the use of contractors.

#### CLOSER INTEGRATION NEEDED

It was noted at the Network Supply Chain Summit and Defense Logistics 2004 Conference that DoD and commercial partnerships will remain part of our future. These partnerships are all being pervasive in relation to Product Lifecycle Management. Commercial entities are contracting to provide "womb to tomb" support of weapon systems. The nature of this support is beginning to impact service depot level operations and even migrate to the direct support level in deployed environments. Contractor Logistics Support in the theater of operations embodies this partnership and represents both a direct enhancement of capabilities but also a constraint on operations. The effectiveness of these partnerships is more and more

dependent on shared databases and the ability to conduct real-time collaborative operations. This type of collaboration places a premium on resolving the issue of information security.

The issues associated with DoD/commercial partnerships are very similar to those associated with interagency and coalition partnerships. Being able to operate in a collaborative environment with a host of partners is both a necessity and challenge.<sup>6</sup> The incredible use of contractors in today's age truly supports changing the old adage of using contractors from "Fort to Port" to the newest one of "Factory to Foxhole."

Undoubtedly, the Army has slowly given up much of its core support capabilities over time. At a minimum, it may have retained some capabilities, but its capacity is now severely limited and cannot meet the full demands of today's world except for very short time durations. Just a glance at many of the Army's support contracts clearly show that it has given up much of its core capabilities in military personnel support services, construction and setup of base camps including providing services such as feeding and billeting, and supporting the Reception, Staging, Onward Movement, and Integration of troops. The Army also significantly relies on contractors for language skills, health care, intelligence analysts, weapon system maintenance, communications, etc., in deployed contingency environments.

The Army is fully cognizant of its changing needs and the requirement to use contractors to ensure its success for conducting operational support in its current and future contingency actions. The use of contractors is proven as an acceptable solution and proven to work over time. Examples of successfully supported deployed troop locations include Vietnam, Somalia, Balkans, and Iraq. The Army is also aware of the need to better utilize the contractors it now employs. To date, the use of contractors has worked surprisingly well given the diversity of the missions and the customers it serves.

#### LOGISTICS CIVIL AUGMENTATION PROGRAM (LOGCAP)

The Army recognized the need for support contractors deployed with the force and attempted to take this in consideration when it created and refined the LOGCAP concept. It tried to have the LOGCAP contract address its initial operational support needs. Deployed environments vary tremendously and it was not the original intent to have the LOGCAP program as a permanent part of the structure. However, events have really made it a permanent part of a commander's toolkit. The LOGCAP contract worked well in Somalia and the Balkans, but it cannot meet all types of operations. It is evident the Army did not fully plan its use of the LOGCAP program for Phase IV of Operation Iraqi Freedom. All policies must ensure they are developed with enough flexibility to allow commanders the freedom to employ it in unanticipated

environments. The Army would need to revert to Cold War era size of logistic support structures if it did not rely on contractors. Current policies and the LOGCAP program are not meeting all of the Army's needs. The Army's current requirements are huge and extremely broad in scope. It is probably unfair to think that one contractor or one contract structure can meet all the Army's flexibility requirements for future needs in an efficient and effective manner. In Iraq today, the LOGCAP contract provides immense support on an unprecedented level to the deployed Army as well as others. However, it should also be noted that it has come under criticism lately in the way it is administered, how it awards subcontracts, and for trying to keep costs under control. There are ongoing investigations into the contractor actions that ultimately may be the fault of the contractor, the U.S. government, or a combination of the two.

#### VARIETY OF CHOICES FOR THE COMMANDER

Today the Army Acquisition Corps workforce is fulfilling their mission in a variety of ways. The LOGCAP contract is only one of many contracts being used. This contract is issued from CONUS and relies on Administrative Contracting Officers (ACO) to give the contractor a notice to proceed in order to have the work performed. To initially start the use of the contract however, a commander must get approval back in the states. Obtaining approval outside a given operational area can sometime lead to additional efforts from the commander and his staff in a given theater. The use and control of the LOGCAP contract may entail actions and permissions that some commanders may not want to abide by. There are other contracts, such as the Logistics Joint Administrative Management Support and Services (LOGJAMSS) providing logistical services to HQ Forces Command, HQ Third United States Army and a proposal for new European Support Contract providing support to the United States European Command, United States Army Europe, and 7<sup>th</sup> Army. These contracts would bypass some of the controls that are placed on the use of the LOGCAP contract and may provide a Combatant Commander with a contract vehicle that is more flexible to their needs. This raises questions to the scrutiny, permissions, control and the possibility of visibility of their actions that drive a commander's desire for separate contracts in providing services, especially if they are available under the LOGCAP contract.

Regardless of the contract or contractor used, smart commanders are cognizant of the many critical actions they are responsible for when using and managing contingency contractors deploying with the force. The three main areas of consideration are making sure they are abiding by all applicable laws, regulations, and international agreements; consider the contractor planning and requirements for deployment and redeployment; following theater

management policies. From a general perspective, the Department of Defense and the Army do relatively well with ensuring all the contracts are on a good legal basis prior to execution. The other areas require additional effort to better the process and use contractors more efficiently and effectively.

## **ARMY AND ARMY ACQUISITION CORPS (AAC) CONTINGENCY CONTRACTING OFFICER REORGANIZATION**

### **ARMY RESTRUCTURE**

Commanders and staffs need help in understanding and properly planning for the use of contractors for supporting the Army in contingency operations. This is made more difficult as the Army is going through transformation of many of its units. The Army Acquisition Corps is attempting to help commanders at all levels by reorganizing its contingency contracting officer force. When this is accomplished, commanders and their staffs, working with their contracting officers, should be able to better make good decisions in their planning requirements and issuance of contingency contractor policies. The Army is reorganizing its structure while undergoing transformation. Some of the issues associated with its transformation are highlighted by Mr. Tomas Edwards, the Deputy to the Commander, Combined Arms Support Command. He addressed issues associated with the Stryker and the Stryker Brigade Combat Team: order of magnitude smaller logistic footprint than a heavy brigade; every other day re-supply requiring the development of precision on-time delivery capabilities; high reliability – lowest cost of support of any other armored vehicle; and the critical role of contractor logistic support. Mr. Edwards is a believer that there are efficiencies with both the contractor support and with the Stryker system.<sup>7</sup>

The Army is responding to the challenges of additional contracting oversight and planning as it goes through transformation. LTG Claude V. Christianson's, Deputy Chief of Staff, G-4, U. S. Army, thoughts are that the tactical forces are already changing and now the sustainment process and forces, which were designed to fight with layered logistics, must change as well. His desired end state (vision) includes four points: single entity for joint theater logistics, the ability to see all requirements (collaborative environment), agile sustainment, and joint interdependencies.<sup>8</sup>

### **AAC REORGANIZATION**

The latest attempt of the Army Acquisition Corps to meet the new demands is demonstrated by how it is reorganizing to meet the needs of the new transformational units.

This required the AAC to significantly alter its culture or perspective on how it operates. It is changing the force structure of acquisition personnel to better support the new Units of Action (UA) and Units of Execution (UE). As shown in Table 1, this change will add considerably more expertise in the use of contractors for transformational units.

FA51	UEy / AScc	UEy (Bn)	Total
06	1	1	4
05	3	1	16
04	15	6	94
03	15	3	82
<b>Total structure of AAC Officers</b>			<b>196</b>

- Currently AAC does not have the 51C population to meet these requirements
- ASC is working on new 51C structure to support current Army needs

% Fills currently 3<sup>RD</sup> = 100%    101<sup>ST</sup> = ~96%    10<sup>TH</sup> = ~92%  
 Officers have been identified – fill dates thru next Jun 05 = 100%

TABLE 1

The Army is reorganizing its force structure to meet the needs of the Army. Part of that restructure is clearly focused on helping the Warfighters receive timely contractor support. The AAC however, cannot currently fill the needs of the new organizations to provide adequate contracting support to the commanders. The new unit structures require 292 officers 51(c) ranging in grade from O3-O6. Current acquisition force billets in other Army and joint organizations are not being filled to allow meeting the fill rates for the 3<sup>rd</sup> (100%), 101<sup>st</sup> (96%) and 10<sup>th</sup> (92%) Divisions. Unfortunately, the AAC does not have the 51(c) population required to meet the requirements either in absolute numbers or required grades. The AAC has had problems meeting its accession goals the last few years making it difficult to meet even the required Captain levels. This may force a change to the current projected structure. The AAC is working on integrating 196 officers across the new Units of Execution(y) and below force structure as best as possible. The AAC is filling the majority of positions with captains (82) and



majors (94). The remaining forces are majors (16) and colonels (4) for a total of 196. This plan excludes filling the Maneuver Unit of Action (MUA) with officers.

#### NON-COMMISSIONED OFFICERS

I think the Army's must include the use of Non-Commissioned Officers (NCO) in the new force structure to accomplish its mission. NCOs have enjoyed great success on deployments conducting contingency contracting missions on a broad variety on contingency contracting missions from exercise support to the latest deployment to Iraq. However, the AAC must integrate these NCOs into its current organizational structure. Contingency Contracting Officers (CCO) NCOs currently belong in the logistic force structure, but must become part of the total acquisition workforce. The CCO NCOs are well trained and suited for the missions required at the MUA level. The level of training at a MUA requires the least experience and warrant thresholds compared to other acquisition assignments. Currently the Army Enlisted Acquisition Workforce Program was established as part of an initiative to support the Army's transformation in the 21st century and to support Warfighters during contingency operations. The Quartermaster Corps currently is the only source of Enlisted Acquisition Workforce nominees. However, once an official acquisition Military Occupational Specialty (MOS) is established (currently they only have an additional skill identifier G1), all qualified, promotable E-5s with a minimum of 6 years of service through E-8s in non-critically short MOSs will have an opportunity to accession into that MOS.<sup>9</sup>

#### IMPACTS

From a contracting officer's perspective, the use of this new structure will have impacts on other units, agencies, and missions. The acquisition personnel in the new units may or may not perform any required science and technology liaison needs to acquisition centers for the deployed units. Acquisition personnel embedded in the new units must perform contract administration missions for LOGCAP and other logistical support contracts in order to capitalize on efficiencies. This structure does not leave a sufficient "reserve" of contracting personnel for emergency deployments. Currently there are difficulties meeting Operation Enduring Freedom, Operation Iraqi Freedom and Balkan requirements at the same time. As Human Resources Command fills these units the result of not filling other Acquisition Position Lists billets will result in a significant reduction in the capability of organizations such as the Program Executive Offices, Army Material Command, Army Contracting Agency, Defense Contracting Command, and the Defense Logistic Commands to fulfill their missions. It will also degrade the ability of the Army to meet needs for contracting personnel for current or future organizations as they

develop such as the as the Office of Reconstruction and Humanitarian Assistance, the Overseas Disaster and Civilian Assistance, and the office of the Coalition Provisional Authority as well as helping other coalition partners contracting needs. Additionally, there are other unresolved issues. Some are inherent in the current way the Army conducts business and others involve the Reserve Component. The reserve components mirror the active force in not having sufficient 51(c)s, officers or enlisted contracting agents. Control of the contracting efforts to ensure unity of effort and exercising overall control is still undecided. Each UE(y) may have their own PARC or PARC like person even though may be an existing PARC in each theater. However, these theater PARCS may need to remain as not all units have or will undergo unit structure transformation.

Command and Control will remain a problem at least initially; the Joint Staff must change current contracting support taskings as transformation occurs. There will be difficulty in integrating contractual support between divisional structured units and transformation units on “mixed” deployments. The Army and the Department of Defense must develop and use the same standards so each service can expect the same levels of service and expectations in a joint environment.

## **CONTRACTOR PLANNING, DEPLOYMENT, AND REDEPLOYMENT REQUIREMENTS**

### **CONTINUATION OF CONTRACTOR SERVICES**

As commanders increase their awareness and ability to use contractors in the logistical world, there seems to be no other method or planning in case the contractor fails to fulfill the terms of the contract. The same level of effort required to plan for the combat forces is required in planning for the use of contractors deploying with the force. The planning must be done upfront or the commander is taking huge risks of failure in his overall plan. If it isn't working properly, the commander must be able to actively influence the situation prior to failure. If the AAC utilizes experienced logistical Non-Commissioned Officers (NCO) to accompany the force they can monitor the contractors performance. These NCOs skill sets are uniquely qualified to keep the finger on the pulse of the efforts. They could easily be considered an early warning system for the commander. Commanders need to ensure that all identified essential contractor services are adequately planned for by the contractor to they are obligated to continue services, and the retention and replacement of personnel.<sup>10</sup> This lack of planning for continuation of services is a flaw in most operational plans. To prevent this, commanders should incorporate their planned contractor support in into their operational Course of Action wargaming. This will highlight any weakness in the overall plan caused by the use or reliance on contractors. To

accomplish this, there must be a change in the culture or processes in the operational world. Luckily, in most cases, the contractors are fulfilling their contractual requirements despite the risks associated with doing so. The lack of contractors "fleeing the battlefield" has led to a bit of complacency for the Army in developing contingency plans for contractor mission failure. No major contractors have pulled out of providing operational support for the Army though there has been a recent case where a major reconstruction contractor has terminated work already begun in Iraq. The company, Contrack International Incorporated was awarded a \$325M contract to rebuild Iraq's transportation systems. This included constructing new roads, bridges, and transportation terminals. The company claimed the costs to provide security were prohibitive.<sup>11</sup> Others argue the company was never really prepared to perform the magnitude of work in an environment as found in Iraq. If other major companies were to follow suit, it would create an enormous problem in Phase IV of the current operation. The costs to provide security could become fiscally unmanageable and the aspect of hiring private armed security guards would pose many problems for the commander on the ground. If the company can not provide the security affordably, then it becomes a military requirement to perform a security role. This may be acceptable in Phase IV, but in earlier phases it would undoubtedly be problematic.

#### INTEGRATED PLANNING

When considering contractor planning it is easily recognized that the current system works, but is not fully integrated into operations. The current method of providing a mix of organic assets and contractor provided logistics works as there haven't been any major failures in the system. However, the Army must continue to refine the process to fully integrate contingency contractor personnel into planning and operational missions although it is difficult and time consuming. Once again, it is important to reinforce the idea of wargaming the performance of contractors within the operational plan. Continuous training and education of all personnel affected by contracting personnel will lead to a better understanding of the subtle and not so subtle aspects of using contractors. However, having the Department of Defense and the Army fully accept and use the developed process may be even more difficult. Many times commanders fail to comply with already existing instructions and DoD is about to publish a new Department of Defense Instruction (DODI) for the management of contingency contractor personnel during contingency operations. There is often a distinction made between the different types of contracts or contractors normally used in support of the Army such as external support contracts, systems support contracts, and theater support contracts. It is easier to plan for the use of some of these contracts than others. Probably the most difficult ones the Army

uses are for external support contracts. These contracts are awarded outside the command of a specific operational area to provide support to deployed operational forces. A lot of different agencies put these contracts into place and except for the very large contracts such as the Army Logistics Civil Augmentation Program, most probably do not have a habitually working relationship with all of the supported combatant commanders. These contracts are rarely included in a theater Principle Assistant Responsible for Contracting (PARC) support plan located in the support annex of operation orders or plans. Ideally, the organization or agency has the responsibility to make the original contact with the PARC to ensure the use and support of the contractors is accomplished. However, it is incumbent on the supported command to initiate contact with as many of these agencies as early in the planning process to ensure they are fully integrated.

Overall, there are many risks associated with the use of contractors on a contingency deployment that the Army has not come to grips with in planning considerations for the use of contractors deploying with the force. One is to execute proper planning to include early planning for use, cost control of contracts, and the planned oversight of the contractors. This is even true with one of the largest contractors and is exemplified below. The General Accounting Office showed that the U. S. Central Command's Army Component (ARCENT) did not develop plans to use the LOGCAP contract to support its military forces in Iraq until May 2003, even though Army's LOGCAP guidance calls for early planning and early involvement of the contractor. Those plans, moreover, have undergone numerous changes since that initial planning. Under the LOGCAP contract, months-long delays in defining contract task orders have frequently undermined the contractor's cost-control incentives, and the absence of an Army award fee board to comprehensively evaluate the contractor's performance has further limited DOD's oversight. DOD did not have sufficient numbers of trained personnel in place to provide effective oversight of its logistics support contractors. The Army has deployed units responsible for supporting the LOGCAP contract, but some of the personnel have little knowledge of the contract. Military units across the services receiving contractor support, in general, have lacked a comprehensive understanding of their roles and responsibilities, which include establishing the work to be done by contractors and monitoring contractors' performance.<sup>12</sup> Another planning consideration is the fact that contractors are normally parasitic to some extent. Many times, they need substantial support for success in a contingency environment. There must be a close working relationship between a commander, his staff and the full use of Contingency Contracting Officers and Field Ordering Officers to relieve some of the burden in the use of contractors. The services sometimes afforded to contractors can

include feeding, mail service, laundry, billeting, mailing privileges, internet access, transportation, and communications networks.

The inclusion of services provided to a contractor by the military is necessary for proper integrated planning. Commanders must specifically identify their management, force protection, personnel recovery, medical support, and other support requirements for contractors. Failure to do so could result in inadequate support to the military and contractors. Therefore it is essential to maintain visibility of the contractors in a deployed status.

#### VISIBILITY OF CONTINGENCY CONTRACTOR PERSONNEL AND CONTRACTS

The issue of how to identify and track contractors in a given area of operations remains unsolved on a wide-spread basis. DoD intends to create a large integrated database for all contractors deployed with the force and it will contain all contract capability information for all system support contracts and external support contracts.<sup>13</sup> This will assist in maintaining good visibility of what and where contractors and their personnel are deployed in a given theater. It will also assist in the tasks of adding them to the Time Phased Force and Deployment Development so they are properly flowed into theater in the correct sequence ensure proper deployment and theater admission requirements are met. Without this system operating properly even getting the visibility of contractors is a protracted mission. It took about three years to identify the number of contractors in the Balkans region alone. Part of this was a responsibility dance to see who would have the "chore" of identifying the workers and categorizing them in terms of American expatriates, North Atlantic Treaty Organization members and those that were local nationals. Included in this effort was identification of the company a contractor worked for, what organization contracted for them and who the contracting officer was. It may sound simple given the relatively closed borders and the fact that the bulk of the contractors entered through a military Aerial Port of Debarkation, but it still required a large amount of effort and time to accomplish. The GAO noted the visibility for contractors at specific locations is practically non-existent at the combatant commands, component commands, and deployed locations. The exception is the Balkans, but that required an exceptional effort to gather all the information and is a static operation. However, according to the same GAO report, the oversight of individual contractors is adequate to make sure they are performing the function they were hired to perform and for the most part, the Army has been satisfied with their performance. The difficulty lies in the efficient use of the contractors. A lack of visibility of contingency contractors leads to a lack of contractor situational awareness for a commander. He doesn't know how many contractors are at a particular place, when they are

arriving, when they are departing, their mission, and what support they may require from the Army in order to function. This lack of contractor visibility remains a major issue. The commander does not necessarily know when or where contracts are awarded for support as they may be issued by a large number of agencies or activities both within and outside the area of operations. A new proposed DODI will address and assign responsibilities throughout the chain of command when using contingency contractors. Because the current decision to use contractors is not coordinated at the regional combatant command level, no one knows the totality of contractor support being provided to deployed forces in an area of operations. Without a higher level of oversight of contractors from all U.S. Armed Forces, allies or coalition partners, contractors will continue to have different requirements built in to their contracts that can have a large impact on a command and the requirements placed on his units.

#### DEPLOYMENT AND THEATER ADMISSION REQUIREMENTS AND PROCEDURES

The Department of Defense realizes there are many different types of contingency contractors and differentiates them as shown in Table 2.

<p style="text-align: center;"><b>CONTINGENCY CONTRACTOR PERSONNEL</b>  <b>EMPLOYEES OF DEFENSE CONTRACTORS AND THEIR SUBCONTRACTORS AT ALL TIERS UNDER DOD CONTRACT (INCLUDING 3<sup>RD</sup> COUNTRY NATIONALS AND HOST NATION PERSONNEL) WHO PROVIDE SUPPORT TO U.S. MILITARY FORCES.</b></p> <p style="text-align: center;"><b>SUBCATEGORIES</b></p> <ul style="list-style-type: none"> <li>• <b>CONTRACTORS DEPLOYING WITH THE FORCE (CDF)</b>  CONTRACTORS SPECIFICALLY AND CONTRACTUALLY AUTHORIZED TO DEPLOY THROUGH A DEPLOYMENT CENTER OR PROCESS TO PROVIDE SUPPORT TO U.S. MILITARY FORCES IN CONTINGENCY OPERATIONS, OTHER MILITARY OPTIONS, OR EXERCISES DESIGNATED BY THE GEOGRAPHIC COMBATANT COMMANDER.</li> <li>• <b>EXTERNAL SUPPORT CONTRACTORS</b>  CONTRACT PERSONNEL PREDOMINATELY HIRED FROM OUTSIDE THE OPERATIONAL AREA TO SUPPORT DEPLOYED OPERATIONAL FORCES.</li> <li>• <b>SYSTEMS SUPPORT CONTRACTORS</b>  CONTRACT PERSONNEL HIRED UNDER SYSTEM SUPPORT CONTRACTS, NORMALLY WITH HIGH LEVELS OF TECHNICAL EXPERTISE, HIRED TO SUPPORT SPECIFIC MILITARY SYSTEMS.</li> <li>• <b>THEATER SUPPORT CONTRACTORS</b>  CONTRACT PERSONNEL UNDER THEATER SUPPORT CONTRACTS THAT ARE HIRED IN AND OPERATING IN A SPECIFIC OPERATIONAL AREA.</li> </ul>
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TABLE 2

Inclusion of an integral database, proper planning, and maintaining visibility of contractors can ease the pain of ensuring contractors have met all deployment and theater admission requirements. I witnessed this example first hand as the 1<sup>st</sup> Armored Division prepared to

deploy from Germany. Of 183 contractors planning on deploying with the force to Iraq, for example, some did not have deployment clauses.<sup>14</sup> In many cases, they identified what/who they wanted to deploy, but did not have any idea what organization had the cognizant contracting authority to modify the contract or to see if it already contained a deployment clause allowing the contractors to deploy with the unit. In some cases, they did not even know who the supervisor of the individual was. This indicates a lack of planning for the use of contractors prior to deployment. Most of these contracts were previously awarded by outside agencies and the local contracting command was the issuing agency for only a few of the contracts. The 1<sup>st</sup> Armored Division worked with the local contracting command to find and coordinate with the cognizant contracting organizations to fulfill the division's needs. Then, a second issue arose. The contractors working in Germany were not allowed to attend required training back in the United States at the receiving centers. This caused V Corps to establish a training program on the fly for contractors deploying directly from Germany. The mission of the Continental United States (CONUS) Replacement Centers (CRC) is to receive individuals and certify them for deployment. Actions taken at the replacement centers includes such things as mine training, use of chemical protective garments, weapons training, passports, identification tags, and medical certification. However, many times even U.S. contractors failed to report to a CRC and thus did not receive sufficient training and were initially allowed into theater. Due to time constraints and facilities, it is doubtful if contractors prevented from attending CRCs in the U.S. received the same amount and quality of training.

#### **ADHERENCE TO THEATER MANAGEMENT POLICIES**

After considering and taking the proper actions in regards to contractor planning, deployment, and redeployment requirements, a commander must ensure there are well written theater management policies to follow in regards to contractors and their personnel. A good theater management policy will eliminate a lot of uncertainty and guesswork in both the commander's and the contractor's minds. Good theater management policies should normally cover quite a few topics such as force protection, medical support, inherently governmental restrictions, and contractor discipline and management.

#### **CONTRACTOR DISCIPLINE AND MANAGEMENT**

The command and control of contractors is a prime area of concern when preparing a theater management policy. A commander controls his contractors through their contract. Trying to control and manage the contract is a process that most commanders and staff are unfamiliar with. Most commanders are not accustomed to having to work through contracting

officers to make an action or service happen. Depending on the given mission, it may require a modification to a contract that requires a long lead time to accomplish. Without a familiarity of the process, commanders may face increased frustration in completing their mission. The commander's guidance may even require close coordination between organic military units, several different contractors, and even with other governments. Thus, the commander's staff is also heavily involved in planning and coordinating a mission and they require an even more detailed knowledge of the process than the commander.

Without appropriate discipline and management controls, the commander may face many risks not included in his risk assessments. A contractor employee is normally not directly controlled by a commander, but by the contractor. The commander retains some level of control by the clauses and the various terms and conditions written into the contract. The contractor employee must obey the general orders issued by the commander, but directions must be given by a Contracting Officer's Representative, an Administrative Contracting Officer or an Administrative Contracting Officer Representative. Finally, the commander can order an employee to leave his area of operation when there is cause. A lack of common contract language may cause issues in having the contractors follow general or specific orders issued by the commander. At a minimum, all contracts should use language that enforces the commander's right to limit their actions in regards to safety or force protection. U.S. personnel accompanying U.S. forces are subject to the Uniform Code of Military Justice only if there is an official declaration of war approved by a Joint session of Congress.

## **CONCLUSION**

The Army has demonstrated the use of contractor provided operational support is quite feasible and clearly recognizes its needs and reliance on contractors where it has weakened some of its core competencies. The current processes of planning for and the use of contractors deploying with the force is working, but not as effectively and efficiently since the contractor is not fully integrated into the planning process and mindset of the Army. Over time, the Army will continue to improve in its knowledge of how best to utilize and manage contractors, the contracted logistics training of commanders and their staff, improve the standardization of its requirements and the contractual language to implement it. The Army will continue to face challenges as it undergoes Transformation and the unit and organization restructuring associated with it impacts the logistical planning process. The contracting portion of the Army Acquisition Corps has already embarked upon its own significant restructuring of its placement of Contingency Contracting Officers to meet the changing needs of the Army.



The increased reliance on contractors continues to be a blessing to the Army in regards to not having a large standing force structure during periods when it is not needed. Contractors may become the optimal solution militarily, financially, and politically the longer and more frequently the Reserve Component forces deploy. It will take a concerted effort by the Department of Defense, the Army, and the acquisition community to reduce the risks inherent with the use of contractors deploying with the force. Proper guidance, training, and distribution of Acquisition personnel will greatly aid the process. Once the Army improves in its ability to effectively manage contingency contractors by routinely incorporating proper planning considerations into planning, the use of contractors providing operational support will truly be fully integrated into the Army. Without training and education, many commanders and their staff are not aware of their roles and responsibilities in dealing with contractors. Without this knowledge, commanders are making decisions blindly in regards to their reliance on contractors and the building of their risk assessments. GAO made several recommendations to the Secretary of Defense to improve the oversight and management for contractors supporting deployed forces. These included conducting required reviews to identify mission essential services provided by the contractors and include them in planning, developing and implementing the use of standard contract language for contracts, and developing comprehensive guidance and doctrine to help the services manage contractors supporting deployed forces. They also plainly acknowledged there was only limited awareness of field commanders of all contractor activities taking place in their area.<sup>15</sup> Commanders should keep the GAO's findings in mind as they strive for familiarity with the use of contractors deployed with the force in contingency operations. Today, the Army uses contractors deploying with the force in almost every major operation. It is important that the Army continues to carefully include them in the overall support plan, analyze proper contingency plans in case the contractor fails to perform its mission, and incorporate the proper considerations when utilizing contractors deploying with the force.

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## ENDNOTES

<sup>1</sup> Isolde Garcia-Perez, "Contractors on the Battlefield in the 21st Century," *Army Logistician* 31, no. 6 (November/December 1999): 40-43.

<sup>2</sup> Department of Defense, *Management of Contingency Contracting Personnel During Contingency Operations*, Department of Defense Directive (Draft DOD Working Paper Number 4XXX.aa), (Washington, D.C.: Department of Defense, 3 December 2004), 2.

<sup>3</sup> Joe A. Fortner, "Institutionalizing Contractor Support on the Battlefield," *Army Logistician* 32, no. 4 (July/August 2000): 12-15.

<sup>4</sup> General Accounting Office, *Contractors Provide Vital Services to Deployed Forces but Are Not Adequately Addressed in DoD Plans* (Washington, D.C.: U.S. General Accounting Office, June 2003), inside front page.

<sup>5</sup> Sandra L. Meadows, "Military Staff Cuts Spur Need for Contractors in Support Arena," *National Defense* 82, no. 532 (November 1997): 10.

<sup>6</sup> John Troxell, "Trip Report, Network Supply Chain Summit (29 Nov) and Defense Logistics Conference (30 Nov-1 Dec)," memorandum, Carlisle, PA, 8 December 2004, 4.

<sup>7</sup> Ibid., 6.

<sup>8</sup> Ibid.

<sup>9</sup> SGM Ethan Jones, "The Army's Enlisted Acquisition Workforce," *ALMC* May 2002 [Journal Online]; available from <<http://www.ALMC.Army.Mil.alog/issues/MayJun02/m5762.htm>>; Internet; accessed 29 December 2004.

<sup>10</sup> Department of Defense, *Management of Contingency Contracting Personnel During Contingency Operations*, Department of Defense Directive (Draft DOD Working Paper Number 4XXX.bb), (Washington, D.C.: Department of Defense, 3 December 2004), p. 8

<sup>11</sup> T. Christian Miller, "2004 U.S. Contractor Pulls Out of Reconstruction Effort in Iraq," *Los Angeles Times*, 22 December 2004, sec. A, p. 1

<sup>12</sup> General Accounting Office, *Military Operations: DOD'S Extensive Use of Logistics Support Contracts Requires Strengthened Oversight* (Washington D.C.: U.S. General Accounting Office, July 2004).

<sup>13</sup> Department of Defense, *Management of Contingency Contracting Personnel During Contingency Operations*, Department of Defense Directive (Draft DOD Working Paper Number 4XXX.aa), (Washington, D.C.: Department of Defense, 3 December 2004), p. 4.

<sup>14</sup> General Accounting Office, *Contractors Provide Vital Services to Deployed Forces but Are Not Adequately Addressed in DoD Plans* (Washington, D.C.: U.S. General Accounting Office, June 2003), inside front page.

<sup>15</sup> Ibid.



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